REMARKS

The claims remaining in the present application are Claims 1-8 and 17-22. The Examiner is thanked for performing a thorough search. Claims 1, 3, 4, 18, and 21 have been amended. No new matter has been added. For example support for the amendments to independent Claims 1 and 18 can be found among other places page 13 line 20 to page 14 line 5 of the instant application 10/032,105, which states,

> Figure 3 is a block diagram of one embodiment of an application model functional component organization. Each box represents an application functional component (e.g., a type of server), while each line between a pair of application functional components indicates traffic is permitted to flow between the two connected application functional components. In one exemplary implementation, different application functional components (e.g., servers) have different functionalities. For example, S1 can b a web server, or S6 can be a file server.

Further the instant application states on page 15 line 2, "...S1 does not communicate directly with S5."

ELECTION/RESTRICTION

In response to paragraph 2 of the Office Action, Applicants agree to withdraw Claim 17 due to a typographical error in the previously submitted election.

CLAIM OBJECTIONS

35 U.S.C. §112

Claims 3, 4, 21 and 22

In paragraph 4 of the Office Action, Claims 3, 4, 21 and 22 are rejected under 35 U.S.C. §112 second paragraph as being indefinite. Claims 3, 4 and 21 have been amended to correct the insufficient antecedent basis. The Office Action states with regards to Claim 4 "...no network have been previously defined..." Applicants respectfully point out that Claim 4 recites "network traffic requirements" where "network" is an adjective not a noun. Therefore, Applicants believe that this objection has been addressed.

CLAIM REJECTIONS

35 U.S.C. §102

Claims 1-8 and 18-22

In paragraph 5 of the Office Action, Claims 1-8 and 18-22 are rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent Publication No. 20030028642 by Agarwal et al. (referred to hereinafter as "Agarwal"). Applicants

respectfully submit that embodiments of the present invention are neither taught nor suggested by Agarwal.

Amended independent Claim 1 recites,

A resource assignment method comprising:
establishing a resource model;
acquiring an application model, wherein said application model describes a plurality of application functional components and includes information about which application functional components communicate with each other; and
utilizing a mapping process to map said application model onto said resource model, wherein said mapping process is directed to increasing the optimization of resource utilization through appropriate assignment of resources to an application with respect to desired objectives (emphasis added).

Applicants respectfully submit that Agarwal does not teach or suggest, among other things, "an application model, wherein said application model describes a plurality of application functional components and includes information about which application functional components communicate with each other ... to map said application model onto said resource model,," as recited by Claim 1.

Agarwal teaches a way of managing server resources for hosted applications. Referring to paragraph 0008, Agarwal focuses on small clients where a single machine can be used simultaneously for multiple clients. To achieve this, Agarwal provides a way of allocating a fraction of a machine to an "instance."

In paragraph 0058 Agarwal states,

FIG. 1 introduces the functional components of an ASP management system. These functional components are described briefly in overview directly below. These components reside on one or more networked machines controlled by the system.

Paragraphs 0059-0071 go on to describe a resource manager, a load distributor, a global decision maker, a load monitor, an aggregator and so on.

In contrast, Claim 1' recites, "an application model, wherein said application model describes a plurality of application functional components and includes information about communications between said application functional components... to map said application model onto said resource model,," Agarwal's so called "functional components" are functional components of software that

determine which fraction of hardware to allocate to an instance. Agarwal's functional components performs his allocating of a fraction of hardware to an instance rather than being a part of an application model that is mapped onto the resource model. For the foregoing reasons, Claim 1 should be patentable because Agarwal does not teach or suggest "an application model, wherein said application model describes a plurality of application functional components and includes information about which application functional components communicate with each other ... to map said application model onto said resource model,," as recited by Claim 1.

Independent Claim 18 recites,

A resource allocation system comprising:
a means for gathering information associated with available networked resources;
a means for extracting information associated with application functional components; and
a means for assigning application functional components to said available networked resources in accordance with a resource allocation variable, wherein said means for assigning uses information about which application functional components communicate with each other as a part of assigning said application functional components to said available networked resources (emphasis added).

Claim 18 should be patentable over Agarwal for similar reasons that Claim 1 should be patentable over Agarwal in that Claim 18 recites "wherein said means for assigning uses information about which application functional components communicate with each other as a part of assigning said application functional components to said available networked resources."

The Office Action asserted that Agarwal teaches "a means for extracting information associated with application functional components" at paragraphs 0040 and 0048. However, paragraphs 0050 and 0048 say nothing about application functional components. It appears to Applicants that the Office Action is asserting that Agarwal's resource instances are analogous to Claim 18's application functional components. However, no where does Agarwal teach anything about which of Agarwal's instances communicate with each other. For the foregoing reasons, Claim 18 should be patentable over Agarwal.

Claims 2-8 depend on Claim 1. Claims 19-22 depend on Claim 18 These dependent claims include all of the limitations of their respective independent

claims. Further, these dependent claims include additional limitations which further make them patentable. Therefore, these dependent claims should be patentable for at least the reasons that their respective independent claims should be patentable.

CONCLUSION

In light of the above listed amendments and remarks, reconsideration of the rejected claims is requested. Based on the arguments and amendments presented above, it is respectfully submitted that Claims 1-8 and 18-22 overcome the rejections of record. For reasons discussed herein, Applicant respectfully requests that Claims 1-8 and 18-22 be considered be the Examiner. Therefore, allowance of Claims 1-8 and 18-22 is respectfully solicited.

Should the Examiner have a question regarding the instant amendment and response, the Applicant invites the Examiner to contact the Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,
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